

4.2. Procedures applicable to breaches of confidentiality rules (first outline, to be developed)

4.2.1. Possible investigations of allegations of such breaches

| <u>Type of breach:</u>                     | <u>Investigation undertaken by:</u>                     |
|--|---|
| - Within a State party                     | - The State party                                       |
| - By a member of the Technical Secretariat | - The Director-General of the Technical Secretariat     |
| - By a State party                         | - A subsidiary body of the Conference of States Parties |
| - By the Technical Secretariat as a whole  | - A subsidiary body of the Conference of States Parties |

4.2.2. Process for settlement of disputes relating to confidentiality

4.2.2.1. For breaches involving only a State party, or nationals not related to the Organization, national legislation shall apply; the Director-General shall be kept informed as the procedure progresses.

4.2.2.2. For breaches involving both a national authority and the Organization, or, specifically, for breaches within the Technical Secretariat (core staff, International Inspectorate, Director-General), a "Commission for the settlement of disputes relating to confidentiality", set up as a subsidiary body of the Conference of States Parties, shall consider the case. This Commission shall be appointed by the Conference of States Parties and shall have the necessary authority to impose disciplinary sanctions on the personnel of the Organization.

4.2.2.3. All other breaches, and disputes between States parties related to breaches of confidentiality and not involving the staff of the Organization, shall be considered directly by the Executive Council.

4.2.3. Enforcement measures/sanctions: questions

- What kind of liability (financial/criminal) should be applied to each party?
- Options available to the Director-General of the Technical Secretariat, in relation to members of the Technical Secretariat; in particular, roles of the Director-General, in the exercise of his disciplinary powers, and of the "Commission for the settlement of disputes relating to confidentiality" (to be developed).

4.3. National authority

4.3.1. Participation

The national authority shall, inter alia, assist in the communication of data and render assistance on the occasion of on-site international inspections.